REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 7, 8, 20, 21, 33 and 34 are indicated as being allowable. Thus, Claims 1-6, 9-19, 22-32, 35 and 36 are presently at issue in this application, with Claims 1, 14, 24 and 27 being independent.

Claims 1-4, 6, 9, 10, 14-17, 19, 22, 24-30, 32, 35 and 36 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by the translation of JP 01-025285, hereinafter *Honda*.

As described on page 3 of the present application, it is problematic when character images obtained by reading an original document on which characters are color-coded depending on the function of each character are synthesized with the background image, because the color-adjusted character images after synthesizing lose the color-coding information. Further, it is stated in the present application that one of the objectives of the presently claimed subject matter is to identify the character images embedded in the background image data without damaging color-coding information, and synthesizing the same. Thus, as noted below, it is necessary to detect the color of the characters, not just their presence. That is, a mere binarization of the data is not adequate to detect the color of the characters, as the binarization only relates the position, shape and size of characters.

Some of the claimed subject matter is directed toward: 1) detection of colors of a first image data by each processing unit, 2) detection of colors of a second image data that serves as the first image data's background by each processing unit, and 3) specification of a uniform adjusting color that makes the first image data recognizable against all colors of the second image data that serve as the first image

data's background, concerning the first image data that have approximately equal colors. This subject matter is generally included in Claims 1, 14, 24 and 27.

Honda discloses an image display device including an image display memory (1) in which image information obtained from an image input unit is stored, an overlay pixel value determination circuit (2) that computes the average pixel value (density value) of a certain region decoded from the image display memory (1) and determines the optimal overlay pixel value (density value) specific to the density value. A binary bit map (3) stores sets of character and pattern information displayed as overlays. A binary/multivalent conversion circuit (4) converts the binary character and pattern information decoded from the bitmap (3) memory into multivalent signals in accordance with the pixel value signal obtained from the overlay pixel value determination circuit (2). Basically, *Honda* discloses the technology of superimposing characters/patterns on a background image, and determination of the color of the characters/patterns based on the color of the background to make the characters/patterns stand out from the background (original image) clearly to make them more easily identifiable.

As described on the middle paragraph of page 8 of *Honda*, image signals of a full-color image of a natural picture are inputted via the image input unit and are stored in the image display memories 1R, 1G, 1B each designated for colors R, G, B respectively. With regard to the character/pattern overlay, the character code is fed into the character generator 31, and a certain character dot pattern is created, thereby resulting in a bit map comprised of binary bits "1" and "0". That is, no color information relating to the character code is fed into the character generator 31.

The Official Action poses that the binary bit map (3) corresponds to the claimed subject matter relating to the detection of colors of a first image data, and

that the overlay pixel determination circuit (2) corresponds to the subject matter directed toward the specification of a uniform adjusting color that makes the first image data recognizable against all colors of the second image data. However, the rejections are deficient at least because *Honda's* binary bit map (3) and the corresponding characters/patterns (the alleged detection of a color of a first image data) do not posses any color information. That is, the binary bit map data only represents character shapes by identifying each pixel with either a "1" or a "0" and does not indicate any color. Color data is not added until the overlap display mechanism 6. See page 10 of the translation. Thus, as relied on in the Official Action, *Honda* does not disclose detection of colors of the first image data, nor does it disclose specification of a uniform adjusting color that makes the first image data recognizable against all colors of the second image data. Rather, *Honda* determines what color to assign to the binary character/pattern data, thereby bypassing the detection features that are defined by the claims.

In response to Applicant's arguments set forth in the previous response, the Examiner presented the idea that binary data, 1's and 0's, can reasonably be interpreted as representing a single color (monochrome). However, this interpretation is not reasonable for three reasons. First, the "1" and "0" used in *Honda* do not relate color information. Rather, they merely relate the position, shape and size of the character data fed by the user. Second, based on the disclosure of *Honda*, a skilled person would not desire to include color information in the fed character data at the stage relating to the binary bit map (3) because immediately following the bit map (3) stage a color is assigned to the binary character image data. Thus, one would not desire to include color data at the bit map (3) stage when all such color data is due to be destroyed/replaced. Third, the Examiner concedes

that the traditional notion is that black and white is not the same as color. Nevertheless, assuming the Examiner's position that black and white is color, *Honda* still does not teach or suggest detecting the colors of the first image data. Assigning a color value is not the same as detecting a color.

These differences are further illustrated by the incapability of *Honda* to produce the advantage embodied by the claimed subject matter. That is, *Honda* does not detect the color of the characters and therefore is not able to detect and retain any color coding that may be present in the characters.

The Examiner further states that the detected colors are not utilized for any purpose. However, utilization of the colors is inherent in the fact that the color adjusting means specifies a uniform adjusting color that makes the first image data recognizable against the second image data.

For at least the above reasons, Claims 1, 14, 24 and 27 are allowable. Claims 2-4, 6, 9, 10, 15-17, 19, 22, 25-26, 28-30, 32, 35 and 36 are allowable at least by virtue of their dependence from allowable independent claims, and also because they define features that further distinguish over the cited disclosure.

Claims 5, 18 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Honda* in view of U.S. Patent No. 5,930,385, hereinafter *Fujimoto*. And, Claims 11-13 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Honda* in view of U.S. Patent No. 5,872,573, hereinafter *Adegeest*. However, the portions of *Fujimoto* and *Adegeest* relied upon by the Examiner do not overcome the deficiency of the teaching of *Honda* with respect to the independent Claims 1, 14 and 24. Accordingly, the dependent Claims 5, 11-13, 18 and 23 are also patentable over the applied prior art.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: July 1, 2005

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